



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Patrice GOMBERT et al.

Group Art Unit: 3727

Application No.: 09/824,051

Examiner: S. J. CASTELLANO

Filed: April 3, 2001

Docket No.: 109149

For: A METHOD OF MANUFACTURING A TANK OF THERMOPLASTIC MATERIAL INCLUDING A PORTION IN RELIEF FOR MOUNTING AN ATTACHMENT, AND A TANK MANUFACTURED THEREBY

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 23, 2004 Election of Species Requirement, Applicant provisionally elects species III (Figs. 6A-6B) with traverse. Claims 64-68, 74, 76 and 79-90 read on the elected species, with claims 64 and 79-90 being generic to all species.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

There is not believed to be any undue burden on the Examiner for several reasons. First, the pending claims were discussed during a September 1, 2004 personal interview with

the Examiner and the interview summary concludes with an agreement by the Examiner that the claims would not be restrictable if amended consistent with the Examiner's suggestions, which was done. Second, there is only a deminimis number of species. 37 CFR 1.141 provides that a reasonable number of species may be claimed in one application. Four species is not believed to be unreasonable, particularly in light of the fact that the Patent Office has already searched and examined the subject matter of this application four times without the prior need to consider election between these species. Finally, there would be extreme prejudice to Applicants at this late stage of prosecution after one RCE has already been filed to not be entitled to pursue all disclosed species of this application.

Withdrawal of the Election Requirement is respectfully requested.

It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Respectfully submitted,



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WPB:SPC/fpw

Date: January 21, 2005

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